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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/460,117    12/13/99    GARCIA

E    CUC-105

EXAMINER

PM82/0330

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KENT, C  
ART UNIT

PAPER NUMBER

3635  
DATE MAILED:

03/30/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/460,117

Applicant(s)  
Eugenio Cruz Garcia

Examiner  
Christopher T. Kent

Group Art Unit  
3635



☒ Responsive to communication(s) filed on Dec 13, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-3 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Objection to the Disclosure***

The disclosure is objected to because of the following informalities:

- 1) The specification has no titles indicating the various parts of the application: Background of the Invention, Summary of the Invention, Brief Description of the Drawing Figures, etc... .
- 2) The disclosure is replete with misspellings, awkward grammar and apparent typographical errors. Applicant is responsible for proofreading the application and making all necessary corrections.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112, Second Paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

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The structure which goes to make up the device must be clearly and positively specified consistent with U.S. Patent practice. The structure must be organized and correlated in such a manner as to present a complete operative device. Applicant must redraft the claims in a form consistent with U.S. Patent practice.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over admissions of prior art on page 1 of the disclosure in view of Liardet, U.S. Patent Number 4,864,790. Applicant's admission on page 1 of the disclosure states that laminated floor comprising compressed cellulose sheets impregnated with polymerisable resins are known. The admission of prior art lacks the provision of peripheral edges being of reduced thickness with respect to the remainder of the floor [panel]. Liardet teaches a decorative leather floor panel comprising compressed leather having peripheral edges being of reduced thickness for simulating tiles having mortar between adjacent ceramic tiles. In order to simulate mortar between adjacent

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ceramic tiles, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the peripheral edges of the admitted prior art with a reduced thickness as is suggested by Liardet.

*Citation of Relevant Prior Art*

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Kemerer et al. and Von Langsdorff et al. teach structures relevant to Applicant's disclosed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Kent whose telephone number is (703) 308-2497.

  
CHRISTOPHER T. KENT  
PRIMARY EXAMINER

Christopher T. Kent  
Primary Examiner  
Technology Center 3600  
March 26, 2001